

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE COMMUNITY DESIGN AND TRANSPORTATION CAPITAL GRANT PROGRAM FOR THE ST. JOHN STREET MULTI MODAL IMPROVEMENTS – PHASE 1, TO ACCEPT THE GRANT IF AWARDED, AND TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, City of San José (herein referred to as “APPLICANT”) is submitting an application to the Metropolitan Transportation Commission (“MTC”) in the amount not to exceed \$1,500,000 in funding from the Regional Transportation Improvement Program (“RTIP”) for the St. John Street Multi Modal Improvements – Phase 1 with a local match of \$375,000 (herein referred to as “PROJECT” or “PROJECTS”) for the MTC RTIP, as authorized by MTC by Resolution No. 4028 (herein referred to as “PROGRAM”); and

WHEREAS, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527 (b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

WHEREAS, MTC will review and include, if approved, RTIP projects in the federal Transportation Improvement Program ("TIP"); and

WHEREAS, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

WHEREAS, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors: and

WHEREAS, APPLICANT is a sponsor of transportation projects eligible for Regional Improvement Program funds; and

WHEREAS, the RTIP project Programming Request ("PPR") form of the project application lists the project, purpose, schedule and budget for which APPLICANT is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

WHEREAS, Part 2 of the project application includes the certification by APPLICANT of assurances required by SB 45 in order to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; and

WHEREAS, as part of the application for RTIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply

with the procedures specified in the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No.4028, Attachment 1, Page 14, and as may be further amended);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. APPLICANT approves the assurances set forth in Part 2 of the project application.
2. APPLICANT will comply with the provisions and requirements of the "Timely Use of Funds Provisions and Deadlines" (MT Resolution No. 4028, Attachment 1, Page 14, and as may be further amended), that PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP, and that APPLICANT and PROJECT will comply with the requirements as set forth in the RTIP Policies and Procedures (MTC Resolution 4028).
3. APPLICANT will comply with the provisions and requirements of the Transit Coordination Implementation Plan, as set forth in MTC Resolution No. 3866.
4. APPLICANT has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP Project Programming Request ("PPR") form of the project application.

5. APPLICANT is an eligible sponsor of projects in the State Transportation Improvement Program.
6. APPLICANT is authorized to submit an application for State Transportation Improvement Program funds for PROJECT.
7. APPLICANT has and will retain the expertise and knowledge necessary to deliver STIP and federally-funded projects, and has assigned a single point of contact for all STIP and FHWA-funded projects to work with the CMA, MTC, and Caltrans on any questions or issues that may arise during the STIP and/or federal programming and delivery process.
8. There is no legal impediment to APPLICANT making applications for Regional Improvement Program funds.
9. There is no pending or threatened litigation which might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT.
10. APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC to program Regional Improvement Program funds into the RTIP, for the projects, purposes and amounts included in the project application.

11. A copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT application referenced herein, along with the name and contact information for the APPLICANT's single point of contact.
12. The City Manager or designee is further authorized to accept any grant awards(s), and negotiate and execute any documents to effectuate the grant(s), including the authority to negotiate and execute any documents that increase the amount of the grant awarded or require an increase in the local match of funds from the City for the PROJECT, subject to the appropriation of funds.

ADOPTED this _____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk